

**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

ELMAR K. SCOTT,

Petitioner,

v.

COVELLO,

Respondent.

Case No. 1:20-cv-01297-AWI-EPG-HC

ORDER VACATING FINDINGS AND  
RECOMMENDATION

ORDER DENYING PETITIONER'S  
APPLICATION TO PROCEED IN FORMA  
PAUPERIS AS MOOT

(ECF Nos. 2, 9)

Petitioner Elmar K. Scott is a state prisoner proceeding *pro se* with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

On September 16, 2020, the undersigned issued findings and recommendation recommending Petitioner's application to proceed *in forma pauperis* be denied. (ECF No. 9). On September 24, 2020, the Court received the \$5.00 filing fee.

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendation (ECF No. 9) is VACATED; and
2. Petitioner's application to proceed *in forma pauperis* (ECF No. 2) is DENIED as MOOT.

IT IS SO ORDERED.

Dated: September 28, 2020

/s/ Eric P. Grogan  
UNITED STATES MAGISTRATE JUDGE